IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.220 OF 2005

Ramshankar D.namdeo. ...Petitioner.

Vs.

The State of Maharashtra & Ors. ...Respondents.

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Mr.Vincent X. D'Silva for the Petitioner.

Mr.P..Palshikar, AGP for Respondent Nos.1 to 3.

Mr.Niranjan Lapsia i/b.Niranjan & Co. for Respondent No.5.

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CORAM : DR.D.Y.CHANDRACHUD, J.

February 4, 2005.

P.C. :

The impugned order dated 6th November 2004 of the Slum Rehabilitation Authority was passed in the absence of the Petitioner. The grievance of the Petitioner is that no notice was served on him. Without going into this dispute, and since the eligibility of the Petitioner to receive an alternative allotment in a Slum Rehabilitation

Scheme in question, I am of the view that the ends of justice would be served if the Slum Rehabilitation Authority is directed to consider the application of the Petitioner on merits after furnishing him an opportunity of being heard. The Petitioner undertakes through his Counsel to appear before the Slum Rehabilitation Authority on 14th February 2005 at 11 a.m.with all relevant documents to show that he was in occupation of an independent censused structure as on the cut off date, 1st January 1995. Before this Court, the Petitioner has sought to place reliance on an extract of the Electoral Roll of 1995 which according to him indicates that his structure No.64 has been shown as an independent structure. This is obviously a matter where the Slum Rehabilitation Authority would have to apply its mind.

In order to have a fresh determination by the Slum Rehabilitation Authority, the impugned order is quashed and set aside. The Petitioner is directed to appear before the authority on 14th February 2005 with all necessary documents. It is, however,clarified that in the event the Petitioner fails to appear before the Slum Rehabilitation Authority on the aforesaid date, the authority will be at liberty to pass an order on the basis of the

material available on the record. Since the structure of the Petitioner has been demolished, Counsel for the Pertitioner states that there is no question of reconstruction of the structure and the only question which survives is about his eligibility to participate in the Scheme and to avail of an alternative allotment.

The petition is accordingly disposed of.

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